THE BOMBAY ANATOMY ACT, 1949.

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BOMBAY ACT No. XI OF 1949.[1]

[THE BOMBAY ANATOMY ACT, 1949.]

[*22nd April 1949.*]

An Act to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection.

WHEREAS it is expedient to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Anatomy Act, 1949.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) This section shall come into force at once.

(*4*) The Provincial Government may, by notification in the *Official Gazette*, direct that the remaining provisions of this Act shall come into force on such date and in such area as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "approved institution" means a hospital or a medical or teaching institution approved by the Provincial Government to carry on anatomical examination and dissection;

(*2*) "authorised officer" means an officer authorised to act under section 5;

(*3*) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother and sister and includes any other person who is related to the deceased (*a*) by lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in collateral relationship, or (*b*) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees.

XXXIX of 1925.

Explanation.—The expressions "lineal and collateral consanguinity" shall have the meanings assigned to them in the Indian Succession Act, 1925;

(*4*) "prescribed" means prescribed by rules made under this Act;

(*5*) "unclaimed body" means the body of a deceased person who has no near relative or whose body has not been claimed by any of his near relatives within such period as may be prescribed.

Doubt or dispute as near relative to be referred to Coroner or authorised officer.

IV of 1871.

3. If any doubt or dispute arises whether a person is a near relative of the deceased, the matter shall be referred in the Greater Bombay, to the Coroner or an Additional Coroner appointed under the Coroners Act, 1871, and elsewhere, to such officer as may be appointed in this behalf by the Provincial Government, and his decision shall be final and conclusive.

[1] For Statements of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 658.

Power of Provincial Government to authorise officers to act under section 5.

4. The Provincial Government may, by notification in the *Official Gazette*, authorise for the area in which this Act comes into force or any part thereof, one or more officers to whom a report shall be made under section 5 and who shall be competent to act under the said section.

Unclaimed dead bodies to be used for anatomical examination.

5. (*1*) Where a person under treatment in a hospital whether established by or vesting in, or maintained by, the Provincial Government or any local authority, dies in such hospital and his body is unclaimed, the authorities in charge of such hospital shall with the least practicable delay report the fact to the authorised officer and such officer shall then hand over the unclaimed body to the authorities in charge of an approved institution for the purpose of conducting anotomical examination and dissection.

(*2*) Where a person dies at a hospital other than a hospital referred to in sub-section (*1*) or in a prison and his body is unclaimed, the authorities in charge of such hospital or prison shall with the least practicable delay report the fact to the authorised officer, and the said officer shall hand over the unclaimed body to the authorities in charge of an approved institution for the purpose specified in sub-section (*1*).

(*3*) Where a person having no permanent place of residence in the area where his death has taken place dies in any public place in such area and his body is unclaimed, the authorised officer shall take possession of the body and shall hand it over to the authorities in charge of an approved institution for the purpose specified in sub-section (*1*).

Penalty.

6. Whoever disposes of, or abets the disposal of, an unclaimed body save as permitted by this Act, or obstructs any authority in charge of an approved institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purpose specified in the Act, shall, on conviction, be punished with fine which may extend to five hundred rupees.

Duty of Police and other officers to assist in obtaining possession of unclaimed bodies.

7. All officers of the Departments of Police and Public Health and all officers in the employ of a local authority and all village officers shall be bound to take all reasonable measures to assist any authority or officer authorised under this Act to obtain the possession of an unclaimed body.

Protection of persons acting under the Act.

8. No suit, prosecution or other legal proceedings shall lie aginst any person for anything which is in good faith done or intended to be done under this Act.

Officers to be public servants.

9. All officers appointed or authorised to act under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Rules.

10. (*1*) The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*) such rules may prescribe the period within which a near relative shall claim the body of a deceased person.